1951 K **File No.** B Wild animals and Birds | 51

Legal Dept-
B **BRANCH**

Subject:— L. B. Bill No I of 1951

A bill to make adequate provision for the portion of wild animals and birds in the state of B'Bay

Act. No XXIV of 1951

File No. B. Wild animals and Birds | 51

Gen. 194 a

738 B

Legal Department.

As directed by the Chief Secretary, the provisions of the draft Bill have been settled in consultation with the Secretary, Agriculture and Forests Department, and Shri. J.A.Singh and a revised draft Bill is sent herewith.

2. The subject-matter of the Bill mainly falls under Entries 20, 21, 64 and 66 in List II in the Seventh Schedule, to the Constitution.

3. Entry 20 in List II is "Protection of Wild animals and birds." The general rule is that in the absence of any definition the statutes are presumed to use words in their popular sense. Accordingly, the words "wild animals and birds" would not be held to cover all vertebrates in wild state or animals such as bees and fishes. If a definition of "animal" to mean any vertebrate is inserted in the draft Bill as suggested by the Department, the proposed legislation would be beyond the scope of entry 20 in List II. The words "means any vertebrate" have therefore been omitted from the definition of "animal" in clause 2(a). It may be noted in this connection that the Central Act of 1912 relating to the protection of wild animals and birds as well as various Acts of other States do not define animals.

4. Sub-clause (11) of clause 17 which has been inserted as suggested by Shri Singh is covered by entry 21 in List II. Under this entry read with entry 57 in List I the State Legislature is competent to legislate on fisheries in inland and territorial waters.

5. The Bill does not require any sanction but requires the Governor's recommendation under article 207(3). After the Bill is passed, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2).

Sd./-
14/8
Additional Secretary to
Government.

SVV
[illegible].56.

Legal Department.

The point raised in the letter of the Ministry of Agriculture was considered in this office memo. at p. 29 ante. Item No. 20 in List II in the Seventh Schedule to the Constitution under which the law is to be enacted in "Protection of wild animals and birds." It is true that the word "animal" in its primary sense means any "living being." In the Indian Penal Code (section 47) the word is defined as denoting anyliving creature other than a human being. Used in this sense, it would include birds and the words "birds" in item No. 20 would have then to be held to be a surplusage or redundant. Although surplusage or tautology are not wholly uncommon in the language of a legislation, the general rule of jurisprudence is that one who reads a legal document, whether public or private, should not be prompt to ascribe - should not, without necessity or sound reason, impute - of its language tautology or superfluity, and should be rather at the outset inclined to suppose every word intended to have some effect or be of some use. (Croies on Statues, p. 99). The suggestion made by the Government of India that reference to "birds" in item No. 20 is redundant cannot be lightly accepted. The expression "wild animals and birds" or "wild birds and animals" occurred in the Devolution Rules under the Government of India Act of 1919 and also in List II in the Seventh Schedule to the Government of India Act, 1935. The Wild Birds and Animals Act of 1912 made by the Central Legislature relates to the said subject. Various States have made laws or amended the Act of 1912 for the purpose. In none of these enactments the word "animal" has been used in its primary meaning suggested by the Government of India. On the other hand, the Pubjab Act of 1933 defines an animal as "an animal which suckles its young." The view taken by the Ministry of Agriculture of the Government of India is not correct and the draft Bill does not require any change.

Sd./-
Additional Secretary to
Government.

U.R. to A. & F.D., No. 16177; dated the 18th November, 1950.

SVV
23.6.56.
4 e.

No. 4594
Legal Department,
Bombay Castle(Bombay No.1), 22nd March, 1951.

From

Shri J.R.Dhurandhar,
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Wild Animals and Wild Birds Protection Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Wild Animals and Wild Birds Protection Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 14th and the 26th February 1951, respectively.

2. The subject-matter of the Bill falls under entries 20, 36, 64 and 66 in List II in the Seventh Schedule to the Constitution of India. As Chapter IV of the Bill attracts the operation of clause (2) of Article 31 of the Constitution, it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution of India.

3. I also forward herewith six copies of each of the items

1. Bill as introduced in the Bombay Legislative Assembly with Statement of Objects and Reasons.	Nos. 1 and 2 and two copies of item No. 3 of the papers noted in
2. Bill as read for the third time and passed by the Bombay Legislative Council.	
3. Extracts from the proceedings of the Bombay Legislative Assembly dated the 13th and 14th February 1951 and of the Bombay Legislative Council dated the 26th February 1951.	

the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/-
20/3
Secretary to Government.

Through

The Secretary to the Government of Bombay,
Agriculture and Forests Department.

SVV
28.6.56.

No. G.S. - 889.

From

Shri L.M. Nadkarni, I.C.S.,
Secretary to the Governor of Bombay,

To

The Secretary to the Bombay Legislature
Department, Council Hall,
Bombay. 1.

Government House
Bombay (6), April 4, 1951.

Subject:- The Bombay Wild Animals and Wild Birds Protection Bill, 1951.

Sir,

With reference to the Bombay Animals and Wild Birds Protection Bill, 1951, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on February 14 and 26, 1951, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as Chapter IV of the Bill attracts the operation of clause (3) of Article 31 of the Constitution of India, it is necessary to reserve the Bill for the consideration of the President with reference to Article 31(3) of the Constitution. His Excellency the Governor has accordingly been pleased, under Article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

Sd./- L.M. Nadkarni.
Secretary to the Governor of Bombay.

No. G.S. - 890
Office of the Secretary to the Governor,
Government House, Bombay, 6.
April 4, 1951.

Copy forwarded with compliments for information to:-

The Secretary to Government, Legal Department, with reference to his letter No. 4694, dated March 22nd, 1951;

The Secretary to Government, Agriculture and Forests Department, with reference to his endorsement, No. 5991-J, dated March 1951.

Sd./-
Secretary to the Governor.

SVV
23.6.56.
4 c.

No. G.S. - 1859.

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,

Legal Department,

Government House,

Ganeshkhind, Poona 7; July 24, 1951.

Subject:- The Bombay Wild Animals and Wild Birds Protection Bill, 1951.

Sir,

In continuation of myletter No. G.S. - 1794, dated July 19, 1951, on the above subject, I am directed to forward herewith for information and necessary action a copy of a letter from the Deputy Secretary to the Government of India, Ministry of Home Affairs, No. 17/39/51-Judl., dated July 18, 1951, and the authentic copy of the Bombay Wild Animals and Wild Birds Protection Bill, 1951, received therewith.

Yours faithfully,

Sd./-
for Secretary to the Governor
of Bombay.

SVV
23.6.56.

ACTS.

Publication of the Bombay Wild Animals and Wild Birds Protection Act, 1951.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 11765.
Bombay Castle, 24th July 1951.

Letter to the ~~Xxxxx~~ Secretary to the Governor, No. 4594, dated the 22nd March 1951.

Letter from the Secretary to the Governor, No. G.S. - 1794, dated the 19th July 1951.

"With reference to the correspondence ending with my letter No. G.S. - 1665, dated July 4, 1951 I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the Presidnet assented to the Bombay Wild Animals and Wild Birds Protection Bill, 1951, on ~~X~~July 13, 1951."

RESOLUTION:- The law should be published as Bombay Act No. XXIV of 1951 in the Bombay Government Gazette dated the 24th July 1951.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Agriculture and Forests Department with reference to the Memorandum from that Department No. 5991-J, dated the 18th December 1950.

By order of the Governor of Bomb

Sd./- S.L. Chaudhari.
Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30x Gazette copies of the Act may be forwarded to th Legal Department and 10 copies to the Agriculture and Forests Department).

SVV
23.6.56.
4 c.

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devi script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. I OF 1951.

A Bill to make adequate provision for the protection of wild animals and birds in the State of Bombay.

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951. Short title, extent and commencement.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be;

(*b*) 'Big Game' means any animal specified in Schedule III or IV;

(*c*) 'Game' means any animal or bird specified in Schedule II, III, or IV;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest;

(*f*) 'Licence' means a licence granted under this Act;

(*g*) 'Meat' includes fat, blood, flesh and bones;

(*h*) 'Permit' means a permit granted under this Act;

(*i*) 'Prescribed' means prescribed by rules;

(*j*) 'Rules' means rules made under section 48;

(*k*) 'Schedule' means a Schedule appended to this Act;

(*l*) 'Small Game' means any animal or bird specified in Schedule II;

(*m*) 'Trophy' means the durable part of an animal or a bird which h preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay;

(*b*) the Game Wardens, either honorary or stipendiary;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years:

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order. Delegation of powers by Wild Life Preservation Officer.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following ex-officio and other members nominated by the State Government, namely:— Constitution of State Wild Life Advisory Board.

(*a*) The Chief Secretary to the Government of Bombay as the Chairman;

(*b*) One representative of the Bombay Legislative Assembly;

(*c*) One representative of the Bombay Legislative Council;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds:

(*e*) One representative of the Bombay Natural History Society;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine:

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine:

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government— Duties of State Wild Life Advisory Board.

(*1*) in the selection of areas to be declared as Game Sanctuaries;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;

(*3*) in the matter of framing rules under section 48; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct. Procedure of State Wild Life Advisory Board.

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS

A. Licences.

Hunting of wild animals and birds without licence prohibited.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Provided that no such licence shall be necessary to hunt any vermin.

Registration of certain persons in possession of arms.

10. Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed. XI of 1878.

Procedure for licence.

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,

(*b*) Big Game Licence,

(*c*) Special Big Game Licence,

(*d*) Pet Animals (Possession) Licence,

(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be forfeited to the State Government.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

Record of game hunted to be kept and submitted.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(*i*) Scientific research ;

(*ii*) Collection of specimens for zoological gardens, museums and similar institutions ; and

(*iii*) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (*1*) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(*2*) Any person aggrieved by the suspension or cancellation of a licence under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

B. General.

Hunting of young and female with young prohibited.

15. (*1*) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(*2*) Nothing contained in sub-section (*1*) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (*1*) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(*2*) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(*3*) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (*c*) of sub-section (*2*) of section 11.

(*4*) No person shall for the purpose of hunting set fire to any vegetation.

(*5*) No person shall use dogs for the purpose of hunting any game, except game birds.

(6) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(7) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(8) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(9) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(10) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

Declaration of certain animals and birds as vermins.

18. The State Government may by notfication in the *Official Gazette* declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

CHAPTER IV.

GAME SANCTUARIES.

Power to declare any area to be Game Sanctuary.

19. The State Government may by notification in the *Official Gazette* declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Notification regarding declaration of Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

(1) stating that it has been decided to declare such area to be a Game Sanctuary;

(2) specifying as nearly as possible the situation and limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in Game Sanctuary.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by Collector.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

1 of 1894.

Acquisition Proceedings.

26. For the purpose of acquiring such land,—

I of 1894.

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides wihin the limits of a sanctuary ;

(*c*) any person who has any rights over immoveable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to enter or reside in a Game Sanctuary.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

Hunting in Game Sanctuary without permit prohibited.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

Refusal or cancellation of permit.

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

Causing fire prohibited.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V.

Trophies and Pet Animals and Birds.

Dealings in trophy and pets without licence prohibited.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

Trophy and pets dealer's licences.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such

licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf, transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such enquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred without a certificate of ownership.

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six, months or with fine which may extend to Rs. 500 or with both.

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

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47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act: Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna ;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds ;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration ;

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

Defence of life and property.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,—

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

Game Officers to be public servants.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt.

53. The State Government may by notification in the *Official Gazette* exempt any person by name or in virtue of his office or any class of persons from all or any of the povisions of this Act.

Repeal.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : VIII of 1912.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act, shall continue to be in force and be deemed to have been granted under section 13 of this Act.

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Schedule I.

(Vermin).

Mongooses.
Civet cats.
Wild cats (excluding tigers, lions, panthers and cheetahs).
Wild dogs.
Wild pigs.
Rodents (except hares, giant squirrels and flying squirrels).
Jackals.
Monkeys.
Bats.
Crows.
Birds of prey (excluding vultures).
Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.
Nuktas.
Whistling teals, large and small.
Cotton teals.
Pink-headed ducks.
Great Indian bustards.
Ducks, geese and swans (all kinds other than those specified above).
Water-birds (excluding storks, egrets and herons).
Bustards (excluding Great Indian bustards).
Sand-grouses (of all species).
Spur-fowls.
Jungle-fowls.
Partridges, grey and painted.
Quails (all species).
Pigeons and doves (all species).
Hares (all species).
Nilgais.
Black bucks (males only with horns over 12″).
Chinkaras (males only).
Four-horned antelopes.
Barking deer.
Hyænas.
Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).
Cheetals (males only with hard horns over 20″).
Panthers.
Tigers.
Sloth bears.
Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18″ or longer outside the socket).
Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 per cent. between the outer edges of the horns at their widest spread, (*b*) a girth of 18″ at the base of the horn).
Lions.

STATEMENT OF OBJECTS AND REASONS.

Wild-life is a valuable natural resource and its conservation, therefore, is considered as a national wealth. In its fauna, nature has endowed India with a magnificent asset. The forests in the State of Bombay are well known for wild birds and animals of various species. It is the duty of the State to protect the useful and beautiful wild things of the woodlands. The forest wild-life has many values. It provides in the way of hunting. It yields hides, pelts, skins, tusk and teeth, etc., that bring cash to the State. Wild creatures provide a service that we often fail to appreciate because it is not obvious—they contribute to the natural balance that helps to keep forests in condition. Without regulation, this valuable resource is in danger of extinction and it is, therefore, essential that suitable steps should be taken for its conservation. The present Bill aims at conserving wild-life in the State of Bombay and also at keeping in check wild birds and animals which are a danger to human life and agricultural crops.

The Government of India recognised, as long ago as 1912, the prime necessity of conserving wild-life and they passed the Wild Birds and Animals Protection Act, 1912. The present Bill contemplates repeal of the Central Act in its application to the State of Bombay, as the provisions of that Act are not sufficiently wide to cover the requirements. The provisions of the present Bill cover the various questions pertaining to the preservation of wild-life and provision has been made in the Bill for the establishment of Game Sanctuaries for the purpose.

The presence of sportsmen of the right kind has been found to be the best guarantee for preservation of wild-life. The Bill, therefore, provides for grant of shooting licences with certain reservations in the best interests of wild-life.

Recently so many States have merged in the State of Bombay. This has increased the State forest area considerably. In view of this, it is proposed to appoint an independent officer with necessary staff for seeing that the provisions of the Act are properly implemented. Forest Officers are fully engaged with their normal work and cannot find time for effectively undertaking this duty.

With a view to obtaining expert advice of persons and associations connected with wild-life preservation, provision has been made in the Bill for appointment of an Advisory Board consisting of officials and non-officials. This will help Government in gauging general trend of opinion as regards selection of areas for game sanctuaries and formulation of policy regarding grant of licences and other matters connected with the preservation of wild-life.

Dated the 14th December 1950. (Signed) M. P. PATIL.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 30th December 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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L. A. BILL No. I OF 1951.

A Bill to make adequate provision for the protection of wild animals and birds in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 14th February 1951.)

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

MO-V Bk Hb 508—1

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be ;

(*b*) 'Big Game' means any animal specified in Schedule III or IV ;

(*c*) 'Game' means any animal or bird specified in Schedule II, III or IV ;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act ;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest ;

(*f*) 'Licence' means a licence granted under this Act ;

(*g*) 'Meat' includes fat, blood flesh and bones ;

(*h*) 'Permit' means a permit granted under this Act ;

(*i*) 'Prescribed' means prescribed by rules ;

(*j*) 'Rules' means rules made under section 48 ;

(*k*) 'Schedule' means a Schedule appended to this Act ;

(*l*) 'Small Game' means any animal or bird specified in Schedule II ;

(*m*) 'Trophy' means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid ;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay ;

(*b*) the Game Wardens, either honorary or stipendiary ;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

Delegation of powers by Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order.

Constitution of State Wild Life Advisory Board.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government, namely:—

(*a*) The Chief Secretary to the Government of Bombay as the Chairman;

(*b*) One representative of the Bombay Legislative Assembly;

(*c*) One representative of the Bombay Legislative Council;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds;

(*e*) One representative of the Bombay Natural History Society;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine:

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine:

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

Duties of State Wild Life Advisory Board.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

(*1*) in the selection of areas to be declared as Game Sanctuaries;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;

(*3*) in the matter of framing rules under section 48; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

Procedure of State Wild Life Advisory Board.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A.—Licences.

Hunting of wild animals and birds without licence prohibited.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Provided that no such licence shall be necessary to hunt any vermin.

Registration of certain persons in possession of arms.

10. Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed. XI of 1878.

Procedure for licence.

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,

(*b*) Big Game Licence,

(*c*) Special Big Game Licence,

(*d*) Pet Animals (Possession) Licence,

(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

Record of game hunted to be kept and submitted.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(i) Scientific research ;

(ii) Collection of specimens for zoological gardens, museums and similar institutions ; and

(iii) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (1) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(2) Any person aggrieved by the suspension or cancellation of a licence under sub-section (1) may within fifteen days appeal to the State Government, whose decision shall be final.

B.—General.

Hunting of young and female with young prohibited.

15. (1) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(2) Nothing contained in sub-section (1) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (1) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(2) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(3) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (e) of sub-section (2) of section 11.

(4) No person shall for the purpose of hunting set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(6) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(7) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(8) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(9) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

Declaration of certain animals and birds as vermins.

18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

CHAPTER IV.

GAME SANCTUARIES.

Power to declare any area to be Game Sanctuary.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Notification regarding declaration of Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

(1) stating that it has been decided to declare such area to be a Game Sanctuary;

(2) specifying as nearly as possible the situation and limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in Game Sanctuary.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by Collector.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

1 of 1894.

Acquisition Proceedings

26. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

1 of 1894.

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides wihin the limits of a sanctuary ;

(*c*) any person who has any rights over immovable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to enter or reside in a Game Sanctuary.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

Hunting in Game Sanctuary without permit prohibited.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

Refusal or cancellation of permit

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

Causing fire prohibited.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V.

Trophies and Pet Animals and Birds.

Dealings in trophy and pets without licence prohibited.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

Trophy and pets dealer's licences.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such

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licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred without a certificate of ownership.

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

Prevention and Detection of Offences and Penalties.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act: Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration;

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

Defence of life and property.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,—

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

Game Officers to be public servants.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.

Repeal.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : VIII of 1912.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

Schedule I.

(Vermin).

Mongooses.

Civet cats.

Wild cats (excluding tigers, lions, panthers and cheetahs).

Wild dogs.

Wild pigs.

Rodents (except hares, giant squirrels and flying squirrels).

Jackals.

Monkeys.

Bats.

Crows.

Birds of prey (excluding vultures).

Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.

Nuktas.

Whistling teals, large and small.

Cotton teals.

Pink-headed ducks.

Great Indian bustards.

Ducks, geese and swans (all kinds other than those specified above).

Water-birds (excluding storks, egrets and herons).

Bustards (excluding Great Indian bustards).

Sand-grouses (of all species).

Spur-fowls.

Jungle-fowls.

Partridges, grey and painted.

Quails (all species).

Pigeons and doves (all species).

Hares (all species).

Nilgais.

Black bucks (males only with horns over 12″).

Chinkaras (males only).

Four-horned antelopes.

Barking deer.

Hyænas.

Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).

Cheetals (males only with hard horns over 20″).

Panthers.

Tigers.

Sloth bears.

Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18″ or longer outside the socket).

Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 inches between the outer edges of the horns at their widest spread, (*b*) a girth of 18″ at the base of the horn).

Lions.

STATEMENT OF OBJECTS AND REASONS.

Wild-life is a valuable natural resource and its conservation, therefore, is considered as a national wealth. In its fauna, nature has endowed India with a magnificent asset. The forests in the State of Bombay are well known for wild birds and animals of various species. It is the duty of the State to protect the useful and beautiful wild things of the woodlands. The forest wild-life has many values. It provides in the way of hunting. It yields hides, pelts, skins, tusk and teeth, etc., that bring cash to the State. Wild creatures provide a service that we often fail to appreciate because it is not obvious—they contribute to the natural balance that helps to keep forests in condition. Without regulation, this valuable resource is in danger of extinction and it is, therefore, essential that suitable steps should be taken for its conservation. The present Bill aims at conserving wild-life in the State of Bombay and also at keeping in check wild birds and animals which are a danger to human life and agricultural crops.

The Government of India recognised, as long ago as 1912, the prime necessity of conserving wild-life and they passed the Wild Birds and Animals Protection Act, 1912. The present Bill contemplates repeal of the Central Act in its application to the State of Bombay, as the provisions of that Act are not sufficiently wide to cover the requirements. The provisions of the present Bill cover the various questions pertaining to the preservation of wild-life and provision has been made in the Bill for the establishment of Game Sanctuaries for the purpose.

The presence of sportsmen of the right kind has been found to be the best guarantee for preservation of wild-life. The Bill, therefore, provides for grant of shooting licences with certain reservations in the best interests of wild-life.

Recently so many States have merged in the State of Bombay. This has increased the State forest area considerably. In view of this, it is proposed to appoint an independent officer with necessary staff for seeing that the provisions of the Act are properly implemented. Forest Officers are fully engaged with their normal work and cannot find time for effectively undertaking this duty.

With a view to obtaining expert advice of persons and associations connected with wild-life preservation, provision has been made in the Bill for appointment of an Advisory Board consisting of officials and non-officials. This will help Government in gauging general trend of opinion as regards selection of areas for game sanctuaries and formulation of policy regarding grant of licences and other matters connected with the preservation of wild-life.

Dated the 14th December 1950. M. P. PATIL.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. I OF 1951]

(As read for the third time and passed by the Legislative Assembly on the 14th February 1951)

A Bill to make adequate provision for the protection of wild animals and birds in the State of Bombay.

[Shri M. P. PATIL, M.L.A.]

MO-IV Bk Hb 508—3

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

513

L. A. BILL No. I OF 1951.

A Bill to make adequate provision for the protection of wild animals and birds in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the 14th February 1951.)

(As read for the third time and passed by the Legislative Council on the 26th February 1951.)

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951. **Short title, extent and commencement.**

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

MO-V Bk Hb 534—1

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be ;

(*b*) 'Big Game' means any animal specified in Schedule III or IV ;

(*c*) 'Game' means any animal or bird specified in Schedule II, III or IV ;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act ;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest ;

(*f*) 'Licence' means a licence granted under this Act ;

(*g*) 'Meat' includes fat, blood, flesh and bones ;

(*h*) 'Permit' means a permit granted under this Act ;

(*i*) 'Prescribed' means prescribed by rules ;

(*j*) 'Rules' means rules made under section 48 ;

(*k*) 'Schedule' means a Schedule appended to this Act ;

(*l*) 'Small Game' means any animal or bird specified in Schedule II ;

(*m*) 'Trophy' means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid ;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay ;

(*b*) the Game Wardens, either honorary or stipendiary ;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order. Delegation of powers by Wild Life Preservation Officer.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government, namely:— Constitution of State Wild Life Advisory Board.

(*a*) The Chief Secretary to the Government of Bombay as the Chairman;

(*b*) One representative of the Bombay Legislative Assembly;

(*c*) One representative of the Bombay Legislative Council;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds;

(*e*) One representative of the Bombay Natural History Society;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine:

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine:

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government— Duties of State Wild Life Advisory Board.

(*1*) in the selection of areas to be declared as Game Sanctuaries;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;

(*3*) in the matter of framing rules under section 48; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct. Procedure of State Wild Life Advisory Board.

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A.—Licences.

Hunting of wild animals and birds without licence prohibited.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Provided that no such licence shall be necessary to hunt any vermin.

Registration of certain persons in possession of arms.

10. Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed. XI of 1878.

Procedure for licence.

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,

(*b*) Big Game Licence,

(*c*) Special Big Game Licence,

(*d*) Pet Animals (Possession) Licence,

(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

Record of game hunted to be kept and submitted.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(*3*) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(*i*) Scientific research ;

(*ii*) Collection of specimens for zoological gardens, museums and similar institutions ; and

(*iii*) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (*1*) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(*2*) Any person aggrieved by the suspension or cancellation of a licence under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

B.—General.

Hunting of young and female with young prohibited.

15. (*1*) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(*2*) Nothing contained in sub-section (*1*) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (*1*) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(*2*) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(*3*) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (*e*) of sub-section (*2*) of section 11.

(*4*) No person shall for the purpose of hunting set fire to any vegetation.

(*5*) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(*6*) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(*7*) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(*8*) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(*9*) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

Declaration of certain animals and birds as vermins.

18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

CHAPTER IV.

GAME SANCTUARIES.

Power to declare any area to be Game Sanctuary.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Notification regarding declaration of Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

(*1*) stating that it has been decided to declare such area to be a Game Sanctuary ;

(*2*) specifying as nearly as possible the situation and limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shal be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in Game Sanctuary.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by Collector.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary ;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

I of 1894.

Acquisition Proceedings.

26. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

I of 1894.

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides wihin the limits of a sanctuary ;

(*c*) any person who has any rights over immovable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to enter or reside in a Game Sanctuary.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

Hunting in Game Sanctuary without permit prohibited.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

Refusal or cancellation of permit.

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

Causing fire prohibited.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V.

Trophies and Pet Animals and Birds.

Dealings in trophy and pets without licence prohibited.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

Trophy and pets dealer's licences.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such

licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivrory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act : Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act. Power to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act ;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee ;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna ;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds ;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration ;

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

Defence of life and property.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,—

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

Game Officers to be public servants.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.

Repeal.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : VIII of 1912.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

Schedule I.

(Vermin).

Mongooses.
Civet cats.
Wild cats (excluding tigers, lions, panthers and cheetahs).
Wild dogs.
Wild pigs.
Rodents (except hares, giant squirrels and flying squirrels).
Jackals.
Monkeys.
Bats.
Crows.
Birds of prey (excluding vultures).
Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.
Nuktas.
Whistling teals, large and small.
Cotton teals.
Pink-headed ducks.
Great Indian bustards.
Ducks, geese and swans (all kinds other than those specified above).
Water-birds (excluding storks, egrets and herons).
Bustards (excluding Great Indian bustards).
Sand-grouses (of all species).
Spur-fowls.
Jungle-fowls.
Partridges, grey and painted.
Quails (all species).
Pigeons and doves (all species).
Hares (all species).
Nilgais.
Black bucks (males only with horns over 12″).
Chinkaras (males only).
Four-horned antelopes.
Barking deer.
Hyænas.
Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).
Cheetals (males only with hard horns over 20″).
Panthers.
Tigers.
Sloth bears.
Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18″ or longer outside the socket).
Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 inches between the outer edges of the horns at their widest spread, (*b*) a girth of 18″ at the base of the horn).
Lions.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. I OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 14th February 1951.)

[As read for the third time and passed by the Legislative Council on the 26th February 1951.]

A Bill to make adequate provision for the protection of wild animals and birds in the State of Bombay.

[Shri M. P. PATIL, M.L.A.]

MO v Bk H 534—4

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The

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TUESDAY, 24TH JULY 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

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The following Act of the Bombay Legislature having been assented to by the President on the 13th July 1951 is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXIV OF 1951.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 24th July 1951.)

An Act to make adequate provision for the protection of wild animals and birds in the State of Bombay.

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) 'Animal or Bird' includes the young ones of the animal or bird, as the case may be;

(*b*) 'Big Game' means any animal specified in Schedule III or IV;

(*c*) 'Game' means any animal or bird specified in Schedule II, III or IV;

(*d*) 'Game Officer' means any officer, warden or servant appointed or authorized for any of the purposes of this Act;

(*e*) 'Hunt' means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest;

(*f*) 'Licence' means a licence granted under this Act;

(*g*) 'Meat' includes fat, blood, flesh and bones;

(*h*) 'Permit' means a permit granted under this Act;

(*i*) 'Prescribed' means prescribed by rules;

(*j*) 'Rules' means rules made under section 48;

(*k*) 'Schedule' means a Schedule appended to this Act;

(*l*) 'Small Game' means any animal or bird specified in Schedule II;

(*m*) 'Trophy' means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid;

(*n*) 'Vermin' means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (*1*) The State Government may for the purposes of this Act appoint,—

(*a*) the Wild Life Preservation Officer for the State of Bombay;

(*b*) the Game Wardens, either honorary or stipendiary;

(*c*) such other officers and servants as may be necessary.

(*2*) The honorary Game Warden shall ordinarily hold office for a period of three years:

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(*3*) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

Delegation of powers by Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions, if any, as may be specified in the order.

Constitution of State Wild Life Advisory Board.

6. (*1*) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government, namely:—

(*a*) The Chief Secretary to the Government of Bombay as the Chairman;

(*b*) One representative of the Bombay Legislative Assembly;

(*c*) One representative of the Bombay Legislative Council;

(*d*) Two non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds;

(*e*) One representative of the Bombay Natural History Society;

(*f*) Four other officials of Government.

(*2*) The Wild Life Preservation Officer shall be the Secretary of the Board.

(*3*) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine:

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(*4*) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine:

Provided that the receipt of such allowances by the representative of the Bombay Legislative Assembly or the Bombay Legislative Council shall not be deemed to make such representative as the holder of an office of profit under the State Government.

Duties of State Wild Life Advisory Board.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

(*1*) in the selection of areas to be declared as Game Sanctuaries;

(*2*) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;

(*3*) in the matter of framing rules under section 48; and

(*4*) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

Procedure of State Wild Life Advisory Board.

8. (*1*) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.

(*2*) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A.—Licences.

Hunting of wild animals and birds without licence prohibited.

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Provided that no such licence shall be necessary to hunt any vermin.

Registration of certain persons in possession of arms.

10. Any person who holds a licence granted under the Indian Arms Act, 1878, for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed. XI of 1878.

Procedure for licence.

11. (*1*) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(*2*) The application may be made for any or all of the following kinds of game licences, namely :—

(*a*) Small Game Licence,

(*b*) Big Game Licence,

(*c*) Special Big Game Licence,

(*d*) Pet Animals (Possession) Licence,

(*e*) Pet and other Animals (Trapping) Licence.

(*3*) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(*4*) Every game licence granted under this section shall ordinarily be valid for such period as may be prescribed.

(*5*) Any person aggrieved by the refusal of a licence may within fifteen days appeal to the State Government, whose decision shall be final.

Record of game hunted to be kept and submitted.

12. (*1*) The holder of every game licence of the kind specified in clause (*b*), (*c*) or (*e*) of sub-section (*2*) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(*2*) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Bombay, whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of the animal or bird killed or captured by him.

(3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

Issue of licence for special purposes.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

(*i*) Scientific research ;

(*ii*) Collection of specimens for zoological gardens, museums and similar institutions ; and

(*iii*) Killing of such animals and birds as are a source of serious menace to human life or property.

Suspension or cancellation of licence.

14. (*1*) The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this Chapter.

(*2*) Any person aggrieved by the suspension or cancellation of a licence under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

B.—General.

Hunting of young and female with young prohibited.

15. (*1*) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet.

(*2*) Nothing contained in sub-section (*1*) shall apply to the hunting of a vermin.

Close time.

16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the State of Bombay for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting.

17. (*1*) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(*2*) No person shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(*3*) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (*e*) of sub-section (*2*) of section 11.

(*4*) No person shall for the purpose of hunting set fire to any vegetation.

(*5*) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a natural kill.

(*6*) No person shall hunt any game during the hours of night, *i.e.*, one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a natural kill.

(*7*) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(*8*) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(*9*) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

Declaration of certain animals and birds as vermins.

18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

CHAPTER IV.

GAME SANCTUARIES.

Power to declare any area to be Game Sanctuary.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Notification regarding declaration of Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

(*1*) stating that it has been decided to declare such area to be a Game Sanctuary ;

(*2*) specifying as nearly as possible the situation and limits of such area, and

(*3*) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in Game Sanctuary.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by Collector.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(*a*) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary ;

(*b*) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Collector.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction of rights.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Power to acquire land over which right is claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—

(*a*) exclude such land from the limits of the proposed Game Sanctuary, or

(*b*) come to an agreement with the owner thereof for the surrender of his rights, or

(*c*) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

I of 1894.

Acquisition Proceedings.

26. For the purpose of acquiring such land,—

(*1*) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

I of 1894.

(*2*) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(*3*) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(*4*) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(*5*) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of Collector to be exercised by other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction on entry in Game Sanctuary.

28. No person, other than,—

(*a*) any public servant on duty ;

(*b*) any person who ordinarily resides wihin the limits of a sanctuary ;

(*c*) any person who has any rights over immovable property within the limits of a sanctuary ;

(*d*) any person passing through a sanctuary along a public highway ;

(*e*) the dependents and servants of the above persons ;

shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to enter or reside in a Game Sanctuary.

29. (*1*) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

(*a*) Investigation or study of wild life and purposes incidental thereto ;
(*b*) Photography ;
(*c*) Scientific research ;
(*d*) To transact lawful business with any person residing in the sanctuary.

(*2*) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

Hunting in Game Sanctuary without permit prohibited.

30. (*1*) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(*2*) A permit issued under sub-section (*1*) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

Refusal or cancellation of permit.

31. (*1*) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.

(*2*) Any person aggrieved by the refusal or cancellation of a permit under sub-section (*1*) may within fifteen days appeal to the State Government, whose decision shall be final.

Causing fire prohibited.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

CHAPTER V.

TROPHIES AND PET ANIMALS AND BIRDS.

Dealings in trophy and pets without licence prohibited.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

Trophy and pets dealer's licences.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such

Schedule I.

(Vermin).

Mongooses.
Civet cats.
Wild cats (excluding tigers, lions, panthers and cheetahs).
Wild dogs.
Wild pigs.
Rodents (except hares, giant squirrels and flying squirrels).
Jackals.
Monkeys.
Bats.
Crows.
Birds of prey (excluding vultures).
Parakeets.

Schedule II.

(Small Game).

Spot-bill ducks.
Nuktas.
Whistling teals, large and small.
Cotton teals.
Pink-headed ducks.
Great Indian bustards.
Ducks, geese and swans (all kinds other than those specified above).
Water-birds (excluding storks, egrets and herons).
Bustards (excluding Great Indian bustards).
Sand-grouses (of all species).
Spur-fowls.
Jungle-fowls.
Partridges, grey and painted.
Quails (all species).
Pigeons and doves (all species).
Hares (all species).
Nilgais.
Black bucks (males only with horns over 12″).
Chinkaras (males only).
Four-horned antelopes.
Barking deer.
Hyænas.
Wolves.

Schedule III.

(Big Game).

Sambars (males only with hard horns over 30″).
Cheetals (males only with hard horns over 20″).
Panthers.
Tigers.
Sloth bears.
Cheetahs.

Schedule IV.

(Special Big Game).

Elephants (with at least one tusk of 18″ or longer outside the socket).
Bison (if horn measurements reach at least one of the following limits, (*a*) a span of 33 inches between the outer edges of the horns at their widest spread, (*b*) a girth of 18″ at the base of the horn).
Lions.

licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

Records and returns to be made by trophy and pets dealers.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

Certificate of ownership.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

Export and sale of trophies regulated.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer

Explanation.—For the purposes of this section, "export" means to take out of the State of Bombay otherwise than across a customs frontier.

Government trophies.

38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

Possession of Government trophy to be reported.

39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him,

Unlawful possession and dealings in Government trophies.

40. (*1*) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

(*2*) In any prosecution for contravention of the provisions of sub-section (*1*), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer.

41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks.

42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory or horn to be transferred without a certificate of ownership.

43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Powers of entry, search, arrest and detention.

44. (*1*) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(*a*) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act;

(*b*) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(*c*) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

(*2*) It shall be lawful for any of the Officers referred to in sub-section (*1*) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(*3*) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(*4*) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

Penalties.

45. (*1*) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both.

(*2*) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(*3*) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

When Court to take cognizance of offence.

46. No Court shall take cognizance of any offence against this Act,—

(*1*) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorized by the State Government in this behalf; and

(*2*) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Operation of other laws not barred.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act :

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

48. (*1*) The State Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor ;

(*b*) the conditions subject to which any licence or permit may be granted under this Act ;

(*c*) the particulars of the record of game killed or captured to be kept and submitted by any licensee ;

(*d*) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna ;

(*e*) regulating the sale of pet and other animals and trophy derived from the wild animals and birds ;

(*f*) manner of registration of ivory or horn of elephant or bison brought for such registration ;

(*g*) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(*3*) The power to make rules under this section shall be exercised subject to the condition of previous publication.

(*4*) The rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

Power to amend Schedules.

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

Defence of life and property.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,—

(*1*) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land ;

(*2*) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

Game Officers to be public servants.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection to persons acting in good faith.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Power to exempt.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.

Repeal.

54. The Wild Birds and Animals Protection Act, 1912, in its application to the State of Bombay, is hereby repealed : VIII of 1912.

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.